

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Chapter 7

DONNA MARIE HAYES,

Bky Case No. 19-51036

Debtor.

NOTICE OF SETTLEMENT

To: The United States Trustee, all creditors and other parties in interest.

On **July 8, 2020**, or as soon thereafter as the transaction may be completed, the undersigned trustee of the estate of the debtor named above will settle a controversy as follows:

This case was filed on December 27, 2019, and J. Richard Stermer is the bankruptcy trustee appointed in this case. The debtor scheduled a Marital Lien interest in Real Property located at 24182 - 255th Avenue, Pierz, MN in Morrison County, owed to debtor by her ex-husband, Freeman Hayes, in the approximate amount of \$150,000, with payments until 2035. Based on information and belief, Freeman Hayes has made payments totaling approximately \$37,000 to the debtor toward the Marital Lien debt leaving an approximate balance owed on the Marital Lien in the amount of \$113,000. Debtor initially claimed the debt owed to her, secured by the Marital Lien, as her exempt homestead under 11 U.S.C. 522 (d)(1) even though Debtor had claimed her actual residence as her exempt homestead under 11 U.S.C. 522 (d)(1). The Trustee objected to debtor's claim of exemption in the debt owed under the Marital Lien pursuant to 11 U.S.C. 522(d)(1). The Court sustained the Trustee's objection to debtor's claim of exemption in the Marital Lien debt.

The debtor has subsequently amended schedules and claimed exemption in the Pierz, MN property under 11 U.S.C. 522(d)(5) in an amount up to any applicable statutory limit. Debtor has available to her under 522(d)(5) approximately \$7413 depending on any 2019 tax refunds.

The Trustee has received an offer of \$50,000 from Freeman Hayes, the ex-spouse who owes the debt on the Marital Lien, which is now non-exempt property of the bankruptcy estate. Mr. Hayes agrees to pay the \$50,000 settlement within 90 days of Bankruptcy Court approval and, in consideration of the \$50,000 payment, the bankruptcy estate will satisfy the Judgment to extinguish Debtor's interest in the real property located at 24182 - 255th Avenue, Pierz, MN 56364-0000, Morrison County. Based upon the uncertainties and costs involved in liquidating the assets, the Trustee believes that this settlement is in the best interest of the bankruptcy estate.

OBJECTION: MOTION:: HEARING. Under applicable rules, any objection must be in writing, be delivered to the trustee and the United States Trustee and be filed with the clerk, not later than 12:00 o'clock noon on the day before the above date. If any objection is made or an order is

required, the trustee moves the court for such orders as may be necessary and appropriate. If an objection is timely delivered and filed, the court will hold an expedited hearing on the objection with reduced notice of the hearing. The hearing will be scheduled by the trustee with notice by the trustee to the objecting party and the U. S. Trustee.

Clerk of Court
United States Bankruptcy Court
404 U.S. Courthouse
515 West First Street
Duluth, MN 55802

United States Trustee
1015 U S Courthouse
300 So. 4th St.
Minneapolis, MN 55415

Trustee
(See address below)

Dated: June 11, 2020

/e/ J. Richard Stermer
J. Richard Stermer, Trustee
P. O. Box 514
Montevideo, MN 56265
Telephone: (320) 269-6491
rstermer@stermerlaw.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
19-51036 DIVISION

IN RE: DONNA MARIE HAYES

CASE NO: 19-51036

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 7

On 6/12/2020, I did cause a copy of the following documents, described below,

NOTICE OF SETTLEMENT

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R. Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 6/12/2020

/s/ J. Richard Stermer
J. Richard Stermer 216811
Stermer & Sellner, Chtd
102 Parkway Drive, PO BOX 514
Montevideo, MN 56265
320 269 6491

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
19-51036 DIVISION

IN RE: DONNA MARIE HAYES

CASE NO: 19-51036

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 7

On 6/12/2020, a copy of the following documents, described below,

NOTICE OF SETTLEMENT

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document (s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 6/12/2020



Jay S. Jump
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
J. Richard Stermer
Stermer & Sellner, Chtd
102 Parkway Drive, PO BOX 514
Montevideo, MN 56265

CASE INFO

LABEL MATRIX FOR LOCAL NOTICING
08645
CASE 19-51036
DISTRICT OF MINNESOTA
DULUTH
THU JUN 11 14-34-31 CDT 2020

~~EXCLUDE~~

~~DULUTH
404 US COURTHOUSE
515 WEST FIRST STREET
DULUTH MN 55802-1302~~

BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

BARCLAYS BANK DELAWARE
ATTN CORRESPONDENCE
PO BOX 8801
WILMINGTON DE 19899-8801

CENTRAL MINNESOTA CU
ATTN BANKRUPTCY
PO BOX 10
MELROSE MN 56352-0010

CITISEARS
CITIBANKCENTRALIZED BANKRUPTCY
PO BOX 790034
ST LOUIS MO 63179-0034

CITIBANK
ATTN RECOVERYCENTRALIZED BANKRUPTCY
PO BOX 790034
ST LOUIS MO 63179-0034

CITIBANK NA
5800 S CORPORATE PL
SIOUX FALLS SD 57108-5027

DISCOVER BANK
DISCOVER PRODUCTS INC
PO BOX 3025
NEW ALBANY OH 43054-3025

DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

FIRST NATIONAL BANK
ATTN BANKRUPTCY
1620 DODGE ST MAILSTOP 4440
OMAHA NE 68197-0002

PERI GARITE
ATTN CARD WORKS
101 CROSSWAYS PARK DR W
WOODBURY NY 11797-2020

RUSSELL HAYES
1204 1ST AVE SW
LITTLE FALLS MN 56345-1410

US BANK
PO BOX 5229
CINCINNATI OH 45201-5229

~~EXCLUDE
US TRUSTEE
1015 US COURTHOUSE
300 S 4TH ST
MINNEAPOLIS MN 55415-3070~~

US BANK
ATTN CBDH
OSHKOSH WI 54903

BANK BANK OF AMERICA NA
16001 N DALLAS PARKWAY
ADDISON TX 75001-3311

DEBTOR
DONNA MARIE HAYES
710 4TH ST SW
LITTLE FALLS MN 56345-1933

~~EXCLUDE
J RICHARD STERMER
STERMER SELLNER CHTD
102 PARKWAY DRIVE
PO BOX 514
MONTEVIDEO MN 56265-0514~~

~~EXCLUDE
JAKE PEDEN
KAIN SCOTT
6445 SYCAMORE COURT N
MAPLE GROVE MN 55369-6020~~